S. B. Civil Revision Petition No.303/2004
(Rajendra Singh v. Marvar Gramin Bank,Head Office,Pali-Marvar)

Date of Order: :: :24-01-2007

HON'BLE MR. JUSTRICE PRAKASH TATIA

Mr.Sangeet Lodha, for Petitioner.
Mr.B.R.Chaudhary, for non-petitioner.

The defendant is aggrieved against the judgment and decre passed by the First Appellate Court, District Sirohi dated 24th January, 2004, by which the Appellate Court reversed the judgment and decree of the trial Court of dismissal of suit of the respondent-bank. The suit was dismissed by the trial Court on the ground of bar of limitation. The First Appellate Court, after reversing the finding of the trial Court, on the issue of due execution of revival letters by the defendant, held that the suit is within the period of limitation.

Brief facts of the case are that the plaintiff submitted that defendant Rajendra Singh applied for loan by submitting loan application on 3rd March, 1986. The loan amount was Rs.5,000/- which was sanctioned by the Bank and the defendant was paid Rs.5,000/- by cheque on 3rd March, 1986. On 3rd March, 1986 itself, the defendant executed the loan agreement and agreed that he will re-pay the loan amount in instalments of Rs.90/- per month. It is case of the plaintiff-respondent that the defendant

executed revival letters on 29th October, 1988, 4th May, 1991 and 28th January, 1994. By the time of filing suit, the total amount due in defendant was Rs.19,100/-.

It is submitted that in fact, in the year, 1986, the Bank Manager was Bhanwar Singh and was relative of defendant's elder brother's-in-laws. The defendant was asked by Bhanwar Singh – the Bank Manager to come in the Bank and sigh some guarantee documents of loan as he is in need of some money, therefore, defendant signed some blank documents So far as revival letters are concerned, the defendant submitted that he never executed the revival letters.The trial Court held that the plaintiff proved by evidence that the defendant applied for loan and that was sanctioned by the plaintiff-respondent Bank and amount was paid to the defendant. However, the trial Court held that the revival letters were not signed by the defendant and they apear to have been fabricated by interpolation in the revival letters. The trial Court dismissed the suit of the plaintiff and the Appellate Court since revered that finding, therefore, this revision petition has been preferred.

According to the learned counsel for the petitioner, finding of the court below, i.e., the First Appellate Court, on revival letters, is absolutely illegal because of the reason that the trial Court gave cogent reasons and held that the documents have

not been proved by the plaintiff-respondent bank as the plaintiff-respondent bank did not produce the person who filled in the revival letters. It is also submitted that in fact, the Bank Manager disbursed several loans in fake names and some criminal cases were also launched for giving fake loans.

I considered the submissions of the learned counsel for the petitioner and perused the record. It appears from the facts that the First Appellate Court considered the relevant documents and the revival letters specifically and, thereafter, recorded the finding of fact.The finding of fact is not vitiated because of alw lawful reason. At this juncture, it will be worthwhile to mention here that the defendants going to the Bank and signing the documents is admitted fact. The defendant Rajendra Singh, in his statement, clearly admitted his signatures on the revival letters. The loan was advanced in the year, 1986 and the revival letters are of the years 1988, 1991 and 1994. The defendant – Rajendra Singh never stated that the revival letters were blank. His going Bank in the year,1986 and, thereafter, signing the documents in 1988, 1991 and 1994 is admitted position and the defendant failed to prove his defence that he did not take the loan. Therefore, there is no merit in the revision petition.

The revision petition is dismissed.

(PRAKASH TATIA), J.